

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(OAKLAND DIVISION)

IN RE: LITHIUM ION BATTERIES  
ANTITRUST LITIGATION

Case No. 4:13-md-02420 YGR (DMR)  
MDL No. 2420

This Document Relates to:  
ALL ACTIONS

~~PROPOSED~~ ORDER GRANTING IN  
PART PLAINTIFFS'  
ADMINISTRATIVE MOTION  
PURSUANT TO LOCAL RULE 79-5(d)  
TO FILE UNDER SEAL AS TO  
PORTIONS OF EXHIBITS 90, 91, AND  
92 TO THE DECLARATION OF  
JESSICA MOY IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
TOSHIBA CORPORATION'S MOTION  
FOR SUMMARY JUDGMENT ON  
WITHDRAWAL

\*AS MODIFIED BY THE COURT\*

~~PROPOSED~~ ORDER GRANTING IN PART PLAINTIFFS' ADMINISTRATIVE MOTION PURSUANT TO  
LOCAL RULE 79-5(d) TO FILE UNDER SEAL AS TO PORTIONS OF EXHIBITS 90, 91, AND 92

Case No. 4:13-md-02420 YGR (DMR), MDL No. 2420

On November 13, 2015, Plaintiffs filed an Administrative Motion Pursuant to Local Rule 79-5(d) to File Under Seal Filings Related to Plaintiffs' Joint Opposition to Toshiba Corporation's Motion for Summary Judgment on Withdrawal (Dkt. No. 950) ("Plaintiffs' Administrative Motion").

Pursuant to Civil Local Rule 79-5(e)(1), Toshiba Corporation filed a responsive declaration seeking to seal only portions of Exhibits 90, 91, and 92 to the Declaration of Jessica Moy in Support of Plaintiffs' Joint Opposition to Toshiba Corporation's Motion for Summary Judgment on Withdrawal (Dkt. No. 957-2). Toshiba Corporation seeks to seal the portions of Exhibits 90, 91, and 92 identified in the table below.

<u>Document</u>	<u>Portions of Documents to be Sealed</u>
Exhibit 90 (TSB-LIB-00081203)	Pages TSB-LIB-00081206E through TSB-LIB-00081208E and TSB-LIB-00081210E, as well as the corresponding pages of the Japanese original.  Portions of page TSB-LIB-00081209E (and the corresponding page of the Japanese original) that Plaintiffs did not highlight in their under-seal submission of Exhibit 90.
Exhibit 91 (TSB-LIB-00081903)	Pages TSB-LIB-00081903.04E, TSB-LIB-00081903.06E through TSB-LIB-00081903.21E, and TSB-LIB-00081903.26E through TSB-LIB-00081903.34E, as well as the corresponding pages of the Japanese original.

<u>Document</u>	<u>Portions of Documents to be Sealed</u>
Exhibit 92 (TSB-LIB-00082277)	<p>Pages TSB-LIB-00082277.02E through TSB-LIB-00082277.12E, TSB-LIB-00082277.17E through TSB-LIB-00082277.29E, TSB-LIB-00082277.33E through TSB-LIB-00082277.38E, TSB-LIB-00082277.40E through TSB-LIB-00082277.41E, TSB-LIB-00082277.43E, and TSB-LIB-00082277.48E.</p> <p>Portions of page TSB-LIB-00082277.39E that do not refer to LIB.</p>

Having considered the parties' submissions regarding Plaintiffs' Administrative Motion, and finding that Toshiba Corporation has met its burden of establishing a compelling reason to seal those portions of Exhibits 90, 91 and 92 identified in the table above as sensitive business information and trade secrets in connection with the dispositive motion in question:

**IT IS HEREBY ORDERED** that the Plaintiffs' Administrative Motion is **GRANTED** as to those portions of Exhibits 90, 91, and 92 identified above, for which Toshiba Corporation has filed redacted versions at Docket Number 968. The Plaintiffs' Administrative Motion is otherwise **DENIED**. Plaintiffs are directed to publicly file within seven days unredacted versions of the remaining documents preliminarily filed under seal in connection with their opposition to Toshiba Corporation's Motion for Summary Judgment on Withdrawal (other than to the extent the opposition papers quote the sealed portions noted above, in which case the new filings shall be appropriately redacted).

~~[PROPOSED]~~ ORDER GRANTING IN PART PLAINTIFFS' ADMINISTRATIVE MOTION PURSUANT TO LOCAL RULE 79-5(d) TO FILE UNDER SEAL AS TO PORTIONS OF EXHIBITS 90, 91, AND 92

Case No. 4:13-md-02420 YGR (DMR), MDL No. 2420

1 This Order terminates Docket Numbers 950-56, 958.

2 **IT IS SO ORDERED.**

3 Date: March 16, 2016

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6 HONORABLE YVONNE GONZALEZ ROGERS  
7 UNITED STATES DISTRICT JUDGE  
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